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April 29, 2013

VIA ECF

The Honorable A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court for the
Eastern District of New York
944 Federal Plaza
Central Islip, New York 11722

RE: Lawrence I. Friedmann v. Raymour Furniture Co., Inc., et al.
12 Civ. 1307 (LDW)(AKT)

Dear Magistrate Judge Tomlinson:

As you know, this firm represents defendant Raymour Furniture Company, Inc., d/b/a Raymour & Flanigan Furniture ("Defendant") in connection with the above-referenced matter. We write regarding the parties' Joint Pre-Trial Order (referred to herein as the "Order"), which is due to be filed today.

On April 18, 2013, Defendant contacted Plaintiff's counsel to request Plaintiff's portion of the Order. No draft was received. On April 23, 2013, Your Honor granted Plaintiff's request for an extension of the parties' time to submit the Order until today, April 29, 2013.

Despite repeated requests last week to ascertain the status of Plaintiff's portion of the Order, we did not receive a draft of the Order from Plaintiff until after the close of business this past Friday, April 26, 2013. Plaintiff's draft did not comply with the requirements set forth in Judge Wexler's rules. Thus, we worked over the weekend and this morning to complete the draft, which we sent to Plaintiff's counsel at approximately 1:00 p.m. this afternoon. We requested that Plaintiff send us any revisions to the Order by 3:30 p.m. this afternoon, so that we could file the document with the Court by 5:00 p.m.

It is now after 8:00 p.m. and we have not heard back from Plaintiff's counsel. We did receive an e-mail at approximately 5:45 p.m. from a paralegal at Plaintiff's counsel's firm, who stated that his computer crashed while working on the Order. We asked the paralegal when we could expect to receive the Order, and have not received a response. We have not received any communications from any attorney from Plaintiff's firm on this topic.

Accordingly, attached please find the draft of the Order that we sent to Plaintiff early this afternoon. This draft is complete with respect to Defendant's portion of the Order. We assume that Plaintiff has been revising this document over the past seven hours. To that end, if Plaintiff

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has made any substantive changes to the Order, we respectfully request that Defendant be provided with an opportunity to respond to such changes.

We apologize for having to bring this matter to Your Honor's attention. Should the Court require any additional information, we are available at Your Honor's convenience.

Respectfully submitted,

/S/

Jessica Chiclacos

cc: Peter Andrews, Esq. (via ECF)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LAWRENCE I. FRIEDMANN,

Plaintiff,

- against -

RAYMOUR FURNITURE CO., INC., and LUCY
GOLDSTEIN, individually.

Defendants.

JOINT
PRE-TRIAL
ORDER

12 CV 1307
(LDW) (AKT)

WEXLER, District Judge:

The parties having conferred among themselves and pursuant to Rule 4-A of the Individual Rules of the Honorable Leonard D. Wexler, U.S.D.J., plaintiff Lawrence Friedmann (“Plaintiff” or “Friedmann”) and defendant Raymour Furniture Company, Inc., d/b/a Raymour & Flanigan Furniture (“Defendant” or “Raymour & Flanigan”),¹ submit the following Joint Pre-trial Order in this matter:

I. FULL CAPTION

The full caption of this case appears in the caption to this Joint Pre-trial Order.

II. TRIAL COUNSEL

A. Trial Counsel for Plaintiff is as follows:

Walker G. Harman, Jr., Esq.
Peter J. Andrews, Esq.
The Harman Firm, PC
200 West 57th Street, Suite 900
New York, New York 10019
(212) 425-2600

¹ By Order dated October 16, 2012, this Court dismissed all of Plaintiff’s claims under the New York State Human Rights Law, including the claims against the individual defendant.

B. Trial Counsel for Defendant is as follows:

Tara Eyer Daub, Esq.
Jessica Chiclacos, Esq.
Nixon Peabody LLP
50 Jericho Quadrangle
Suite 300
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(516) 832-7500 (telephone)
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III. STATEMENT PERTAINING TO TRIAL

- A. Plaintiff's statement: Pursuant to the Court's Individual Practice Rule 4(A)(iii)IV.A.5., Plaintiff respectfully reiterates that he "demands a trial by jury." Compl. ¶ 10. It is Plaintiff's understanding that he will require approximately two (2) days to try this action. That estimate is not inclusive of the time required to select members of the jury or to cross-examine witnesses called by Defendant.
- B. Defendant's statement: Plaintiff has demanded a jury trial. Defendant estimates that the presentation of its case will take two (2) days.

IV. LIST OF FACT WITNESSES FOR CASE IN CHIEF

A. Plaintiff reserves the right and intends to call the following witnesses to testify at trial:²

1. Plaintiff Lawrence I. Friedmann (will testify in person)
2. Lucy Goldstein (will be called to testify in person)
3. Iman Kasmi or Khazmi (Assistant Store Manager, will be called to testify in person)
4. Anthony Baines (Assistant Store Manager, will be called to testify in person)
5. Anthony Bender (Regional Sales Manager, will be called to testify in

² Plaintiff is unable to submit a complete list of witnesses unless or until the Defendant is directed to produce the identities of the people against whom Plaintiff was judged to have inferior sales figures at the time of his termination. See, e.g., Plaintiff's Feb. 8, 2013 *Second Amended Motion to Compel Defendant[] to Produce Discovery* (Docket Entry 37), as well as Plaintiff's Mar. 20, 2013 *Appeal of Magistrate Judge Decision* (Docket Entry 46), which has yet to be decided and finally, Plaintiff's Mar. 21, 2013 *Letter regarding Defendant's production during discovery and Defendant's forthcoming motion for summary judgment* (Docket Entry 47).

person)

6. James "Jim" Powers (Regional Vice President, will be called to testify in person)
7. Michael Mosca (Sales Associate, will be called to testify in person)
8. Joseph Moscon (Sales Associate, will be called to testify in person)
9. Judith or Judit Rubin (Sales Associate, will be called to testify in person)
10. Danguole Pasyte (Sales Associate, will be called to testify in person)

B. Defendant's witnesses:

1. Anthony Bender (in person)
2. David Covell (in person)
3. Laura D'Ambrosio (in person)
4. Patricia Delgenio (in person)
5. Lucy Goldstein (in person)
6. Connie Midlar (in person)
7. Richard Pietranski (in person)
8. Jim Powers (in person)
9. Christine Rowland (in person)

Defendant reserves the right to call any witnesses at trial listed by Plaintiff above or to not call any of the witnesses identified by Defendant. In addition, Defendant reserves the right to call at trial witnesses not listed above for impeachment and/or rebuttal purposes.

V. LIST OF EXPERT WITNESSES

1. Plaintiff's expert witness: None
2. Defendant's expert witness: None

IV. DEPOSITION TESTIMONY

- A. Plaintiff will offer the following deposition testimony in his case in chief:

B. Defendant will offer the following deposition testimony in its case in chief:

Deponent	Page(s)/Line(s)
Plaintiff	30:8-31:18
Plaintiff	33:8-23
Plaintiff	35:14-17
Plaintiff	36:5-37:5
Plaintiff	37:12-15
Plaintiff	44:5-7
Plaintiff	51:17-55:8
Plaintiff	57:12-58:6
Plaintiff	61:22-62:4
Plaintiff	66:9-67:25
Plaintiff	73:4-10
Plaintiff	74:3-6
Plaintiff	75:12-18
Plaintiff	85:13-87:11
Plaintiff	95:14-98:10
Plaintiff	104:22-105:7
Plaintiff	110:14-111:4
Plaintiff	113:6-11
Plaintiff	146:16-147:5
Plaintiff	148:12-18
Plaintiff	156:10-17
Plaintiff	159:16-160:9

Defendant reserves the right to cross-examine Plaintiff on any of the topics identified in the foregoing deposition designations and to withdraw any of the deposition testimony identified by Defendant above for submission as part of Defendant's case. In addition, Defendant reserves the right to offer deposition testimony at trial not listed above for impeachment and/or rebuttal purposes.

VI. EXHIBITS

A. The following table lists the exhibits that Plaintiff expects to offer as evidence at trial:

Ex. No.	Description	Party	Defendant's Objections
1	Plaintiff's tax Return, federal, 2006	Plaintiff	Authenticity; Relevance
2	Plaintiff's tax return, state, 2006	Plaintiff	Authenticity; Relevance

Ex. No.	Description	Party	Defendant's Objections
3	Plaintiff's tax return, federal, 2007	Plaintiff	Authenticity; Relevance
4	Plaintiff's tax return, state, 2007	Plaintiff	Authenticity; Relevance
5	Plaintiff's tax return, federal, 2008	Plaintiff	Authenticity; Relevance
6	Plaintiff's tax return, state, 2008	Plaintiff	Authenticity; Relevance
7	Plaintiff's tax return, federal, 2009	Plaintiff	Authenticity; Relevance
8	Plaintiff's tax return, state, 2009	Plaintiff	Authenticity; Relevance
9	Plaintiff's tax return, federal, 2010	Plaintiff	Authenticity; Relevance
10	Plaintiff's tax return, state, 2010	Plaintiff	Authenticity; Relevance
11	Plaintiff's tax return, federal, 2011	Plaintiff	Authenticity; Relevance
12	Plaintiff's tax return, state, 2011	Plaintiff	Authenticity; Relevance
13	Plaintiff's tax return, federal, 2012	Plaintiff	Authenticity; Relevance
14	Plaintiff's tax return, state, 2012	Plaintiff	Authenticity; Relevance
15	Plaintiff's Charge of Discrimination submitted to the Equal Employment Opportunity Commission ("EEOC") Bates stamped FRIEDMANN001-08	Plaintiff	
16	EEOC's Notice of Right to Sue issued Dec. 19, 2011 Bates stamped FRIEDMANN009-10	Plaintiff	

Ex. No.	Description	Party	Defendant's Objections
17	Plaintiff's earnings and commissions during 2010–11 Bates stamped FRIEDMANN011–22	Plaintiff	Relevance
18	Associate Sales Projection and Flash Report Bates stamped FRIEDMANN023–25	Plaintiff	Relevance
19	Associate Business Planner Bates stamped FRIEDMANN026	Plaintiff	Relevance
20	Associate Bedding Budget Bates stamped FRIEDMANN027	Plaintiff	Relevance
21	Plaintiff's Earnings Statement from subsequent employer, La-Z-Boy Bates stamped FRIEDMANN066	Plaintiff	Authenticity
22	Plaintiff's Earnings Statement from subsequent employer, Jos. A Banks Bates stamped FRIEDMANN067	Plaintiff	Authenticity
23	Plaintiff's Unemployment Insurance for 2011 Form 1099-G Bates stamped FRIEDMANN068	Plaintiff	Authenticity
24	Plaintiff's pension Form 1099-R Bates stamped FRIEDMANN070	Plaintiff	Authenticity
25	Plaintiff's health insurance claim documents Bates stamped FRIEDMANN029–54, FRIEDMANN056–62	Plaintiff	Authenticity
26	Plaintiff's Social Security benefits statement Bates stamped FRIEDMANN063–65, FRIEDMANN069	Plaintiff	Authenticity

Ex. No.	Description	Party	Defendant's Objections
27	Defendant's document production during discovery Bates stamped D000001-D000448	Plaintiff	Plaintiff purports to designate Defendant's entire document production. Defendant's position is that this designation does not comply with the Court's rules. Defendant reserves all objections. To the extent a statement of objections is required, Defendant's objections may include, but are not limited to, relevance.
28	Letters regarding COBRA, Aug. 24, 2011 Bates stamped D000001-02	Plaintiff	Relevance
29	Letter regarding benefits at Plaintiff's termination, June 29, 2011 Bates stamped D000002-09	Plaintiff	Relevance
30	Document regarding life insurance, June 29, 2011 Bates stamped D000010	Plaintiff	Relevance

Ex. No.	Description	Party	Defendant's Objections
31	Payroll documents for Plaintiff Bates stamped D000011–13, D000016	Plaintiff	
32	Notice of Plaintiff's at-will status, Oct. 7, 2009 Bates stamped D000014–15	Plaintiff	
33	Email to and from payroll department Bates stamped D000017–19, D000031	Plaintiff	Relevance
34	Automatic pay plan changes, Oct. 21, 2005 Bates stamped D000020	Plaintiff	Relevance
35	Plaintiff's application to work for Defendant, Oct. 20, 2005 Bates stamped D000021–22	Plaintiff	
36	New hire report Bates stamped D000023–24, D000449	Plaintiff	Relevance
37	Plaintiff's Form W-4, 2005 Bates stamped D000025–26	Plaintiff	Relevance
38	Defendant's internal at-hire documentation regarding Plaintiff Bates stamped D000027–30	Plaintiff	Relevance
39	Plaintiff's direct deposit authorization Bates stamped D000032–34	Plaintiff	Relevance
40	<i>Horarium</i> for Plaintiff Bates stamped D000035	Plaintiff	Relevance
41	Performance Evaluation and Development Form for Plaintiff annotated "GREAT MONTH" Bates stamped D000036	Plaintiff	Relevance

Ex. No.	Description	Party	Defendant's Objections
42	Performance Evaluation and Development Form for Plaintiff dated June 7, 2008, annotated "Works well [sic] of all" Bates stamped D000037	Plaintiff	Relevance
43	Performance Evaluation and Development Form for Plaintiff dated Aug. 17, 2008, annotated "has had a bad month—vacations—etc." Bates stamped D000038	Plaintiff	Relevance
44	Coaching for Success plan for Plaintiff, purportedly signed by manager only, May 7, 2011 Bates stamped D000039	Plaintiff	
45	Coaching for Success plan for Plaintiff, signed May 23, 2011 Bates stamped D000042–44	Plaintiff	
46	Sales performance evaluation, purportedly for Jan. 1–June 3, 2011 Bates stamped D000045	Plaintiff	
47	Annotated document, Nov. 11, 2008 Bates stamped D000046	Plaintiff	Relevance
48	Annotated document, Nov. 1, 2008 Bates stamped D000047	Plaintiff	Relevance
49	Weekly Associates Commission Statement, Dec. 19, 2009–Jun. 24, 2011 Bates stamped D000048–D000126	Plaintiff	Relevance
50	EEOC letter to Defendant, Dec. 12, 2011 Bates stamped D000127–28	Plaintiff	

Ex. No.	Description	Party	Defendant's Objections
51	EEOC Charge of Discrimination produced by Defendant, signed Oct. 21, 2011 Bates stamped D000129-31	Plaintiff	
52	EEOC Notice of Right to Sue produced by Defendant, mailed Dec. 19, 2011 Bates stamped D000132-33	Plaintiff	
53	Defendant's production entitled "Professional Conduct & Anti-Harassment Awareness Raymour & Flanigan Furniture" Bates stamped D000134-57	Plaintiff	
54	Defendant's production entitled "Professional Conduct & Harassment Awareness Training for Associates" Bates stamped D000158-73	Plaintiff	
55	Defendant's No Discrimination and No Harassment Policy signed Mar. 7, 2010 Bates stamped D000175	Plaintiff	
56	Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture signed by Plaintiff Mar. 7, 2010 Bates stamped D000176	Plaintiff	
57	Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture signed by Lucy Goldstein, Nov. 1, 2006 Bates stamped D000177	Plaintiff	
58	Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture signed by Laura Lee D'Ambrosio, July 30, 2007 Bates stamped D000178	Plaintiff	

Ex. No.	Description	Party	Defendant's Objections
59	Raymour & Flanigan Furniture Associate Handbooks Bates stamped D000179-408	Plaintiff	
60	Email from Laura D'Ambrosio regarding Plaintiff, June 21, 2011 Bates stamped D000409	Plaintiff	
61	Lucy Goldstein's "Receipt and Acknowledgment of Raymour & Flanigan Associate Handbook and Acknowledgement of At-Will Employment Status" and Addendum signed Nov. 4, 2009 Bates stamped D000410-11	Plaintiff	
62	Lucy Goldstein's "Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture" signed Oct. 1, 2007 Bates stamped D000412	Plaintiff	
63	Lucy Goldstein's "Receipt and Acknowledgement of Professional Conduct & Harassment Awareness Training at Raymour & Flanigan Furniture" signed Nov. 1, 2006 Bates stamped D000413	Plaintiff	
64	IRS Form W-4 for Lucy Goldstein, signed Mar. 18, 2006 Bates stamped D000414-15	Plaintiff	Relevance
65	Email from HR to Lucy Goldstein, Sept. 19, 2005 Bates stamped D000416	Plaintiff	Relevance
66	New Hire information for Lucy Goldstein, Nov. 10, 2004 Bates stamped D000417, D000447	Plaintiff	Relevance
67	Lucy Goldstein's application for employment, signed Sept. 23, 2004 Bates stamped D000418-19	Plaintiff	Relevance

Ex. No.	Description	Party	Defendant's Objections
68	IRS Form W-4 for Lucy Goldstein, signed Nov. 10, 2004 Bates stamped D000420	Plaintiff	Relevance
69	Lucy Goldstein's Withholding Allowance Certificate Bates stamped D000421-22	Plaintiff	Relevance
70	Lucy Goldstein's Information Technology Access Request Forms signed Nov. 10, 2004 Bates stamped D000423	Plaintiff	Relevance
71	Lucy Goldstein's Raymour & Flanigan Furniture 1099 Stats Bates stamped D000424	Plaintiff	Relevance
72	Lucy Goldstein's Direct Deposit Authorization, Nov. 10, 2004 Bates stamped D000425	Plaintiff	Relevance
73	Lucy Goldstein Sales Agreement Form, Nov. 10, 2004 Bates stamped D000426-27	Plaintiff	Relevance
74	Email from Heather Lukowski to Rebecca Landon regarding Lucy Goldstein, Aug. 23, 2011 Bates stamped D000428	Plaintiff	Relevance
75	Lucy Goldstein record of medical leave, Aug. 2011 Bates stamped D000429	Plaintiff	Relevance
76	Emails regarding Lucy Goldstein between Patricia DelGenio, Erin Brundige, Jenna Casullo, Christine Crosby, and Lucy Goldstein, Aug. 9, 2011 Bates stamped D000430	Plaintiff	Relevance
77	Email from Heather Lukowski to Rebecca Landon regarding Lucy Goldstein, Aug. 8, 2011 Bates stamped D000431	Plaintiff	Relevance

Ex. No.	Description	Party	Defendant's Objections
78	Email regarding Lucy Goldstein from Aubrey Branagan to Rebecca Landon, Feb. 7, 2011 Bates stamped D000432	Plaintiff	Relevance
79	Lucy Goldstein "2011 Sales Pay Plan Changes" purportedly effective Jan. 1, 2011 (redacted by Defendant) Bates stamped D000433	Plaintiff	Relevance
80	Emails between Lucy Goldstein and Rebecca Landon regarding Lucy Goldstein's Aug. 1, 2010 punch-out time, Aug. 9, 2010 Bates stamped D000434	Plaintiff	Relevance
81	Record of pay plan increase for Lucy Goldstein, purportedly effective Jan. 2, 2010 Bates stamped D000435	Plaintiff	Relevance
82	Email from Holly Heinze-Coolican to Christine Crosby regarding <i>inter alia</i> Lucy Goldstein's hours, July 21, 2009 Bates stamped D000436	Plaintiff	Relevance
83	Payroll documents for Lucy Goldstein, Oct. 2008 Bates stamped D000437	Plaintiff	Relevance
84	Payroll documents for Lucy Goldstein, Apr. 2007 Bates stamped D000438	Plaintiff	Relevance
85	Payroll documents for Lucy Goldstein, Oct. 2006 Bates stamped D000439, D000441	Plaintiff	Relevance
86	Lucy Goldstein Automatic Pay Plan Changes, Sept. 23, 2006 Bates stamped D000440	Plaintiff	Relevance

Ex. No.	Description	Party	Defendant's Objections
87	Emails between Payroll Department and Michael Goldberg and Laurie Hammon regarding Lucy Goldstein, Mar.–Apr. 2005 Bates stamped D000442–44	Plaintiff	Relevance
88	Photocopy of Lucy Goldstein's New York State Driver License Bates stamped D000445	Plaintiff	Relevance
89	Photocopies of a blank check of Lucy Goldstein's ³ Bates stamped D000446, D000448	Plaintiff	Relevance
90	Memorandum and Order deciding Defendant's Motion to Dismiss, Oct. 16, 2012 Docket Entry 24	Plaintiff	

³ Named therein as "LUCY M. GOLDSTEIN."

Ex. No.	Description	Party	Defendant's Objections
91	Transcript of the Deposition of Patricia DelGenio, Raymour & Flanigan's witness pursuant to FED. R. CIV. P. 30(b)(6), Feb. 13, 2013	Plaintiff	Plaintiff purports to designate the entire transcript as a trial exhibit. Defendant objects and states its position that this designation does not comply with the Court's rules. Defendant reserves all objections. To the extent a statement of objections is required, Defendant's objections may include, but are not limited to, hearsay and relevance.

Ex. No.	Description	Party	Defendant's Objections
92	Transcript of the Deposition of Lucy Goldstein, Feb. 22, 2013	Plaintiff	<p>Plaintiff purports to designate the entire transcript as a trial exhibit. Defendant's position is that this designation does not comply with the Court's rules. Defendant reserves all objections. To the extent a statement of objections is required, Defendant's objections may include, but are not limited to, hearsay and relevance.</p>

Ex. No.	Description	Party	Defendant's Objections
93	Transcript of Plaintiff's Deposition, Jan. 4, 2013	Plaintiff	Plaintiff purports to designate the entire transcript as a trial exhibit. Defendant objects and states its position that this designation does not comply with the Court's rules. Defendant reserves all objections. To the extent a statement of objections is required, Defendant's objections may include, but are not limited to, hearsay and relevance.
94	Defendant's Answer with Affirmative Defenses, Nov. 14, 2012 Docket Entry 26	Plaintiff	
95	Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013 Docket Entry 46	Plaintiff	Relevance

Ex. No.	Description	Party	Defendant's Objections
96	Notice of Filing of Official Transcript (<i>Exhibit A</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013) Docket Entry 46-1	Plaintiff	Relevance
97	Transcript of Status Conference before Magistrate Judge Tomlinson, Feb. 26, 2013 (<i>Exhibit B</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013) Docket Entry 46-2	Plaintiff	Relevance
98	Excerpt from Transcript of the Deposition of Lucy Goldstein, Feb. 22, 2013 regarding the spurious and recent nature of Defendant's representation of Ms. Goldstein (<i>Exhibit C</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013) Docket Entry 46-3	Plaintiff	Relevance
99	Letter to the Court outlining the discovery of which it had only just become aware, initially filed Feb. 25, 2013 (<i>Exhibit D</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013) Docket Entries 41 and 46-4	Plaintiff	Relevance
100	Notice of the Deposition of Defendant's representative pursuant to FED. R. CIV. P. 30(b)(6) and its own <i>Exhibit A</i> . (<i>Exhibit E</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013) Docket Entry 46-5	Plaintiff	Relevance

Ex. No.	Description	Party	Defendant's Objections
101	Plaintiff's Second Amended Motion to Compel Defendant to Produce Discovery, initially filed Feb. 8, 2013 (<i>Exhibit F</i> to Plaintiff's Objection to Magistrate Judge Tomlinson's Orders Regarding Discovery, Mar. 20, 2013) Docket Entry 46-6	Plaintiff	Relevance

A. Defendant's Exhibits for its Case-In-Chief:

Exhibit	Description	Bates Number(s)
A	Payroll Connection Form regarding Plaintiff's termination	D 000011
B	Plaintiff's Receipt and Acknowledgment of Raymour & Flanigan Associate Handbook and Acknowledgment of At-Will Employment Status	D 000014
C	Plaintiff's Receipt and Acknowledgment of Addendum to the Associate Handbook	D 000015
D	Payroll Connection Form regarding Plaintiff's transfer to Garden City showroom	D 000016
E	Plaintiff's Employment Application	D 000021- 000022
F	Plaintiff's Sales Agreement Form	D 000029 - 000030
G	Undated Performance Evaluation for Plaintiff	D 000036
H	June 7, 2008 Performance Evaluation for Plaintiff	D 000037
I	August 17, 2008 Performance Evaluation for Plaintiff	D 000038
J	May 7, 2011 Coaching for Success Plan for Plaintiff	D 000039- 000040
K	May 23, 2011 Coaching for Success Plan for Plaintiff	D 000041- 000042
L	June 13, 2011 Action Plan & Performance Agreement for Plaintiff	D 000043- 000044
M	Performance Evaluation and Development Form for 2011 for Plaintiff	D 000045

N	Plaintiff's 2010 Commission Statements	D 000049- 000101
O	Plaintiff's 2011 Commission Statements	D 000102- 000126
P	Professional Conduct & Anti-Harassment Awareness Presentation	D 000134- 000157
Q	Professional Conduct & Harassment Awareness Training for Associates Presentation	D 000158- 000175
R	Plaintiff's March 7, 2010 Receipt of No Discrimination and No Harassment Policy	D 000175- 000176
S	Lucy Goldstein's November 1, 2006 Receipt and Acknowledgement of Harassment Training	D 000177
T	Laura D'Ambrosio's January 30, 2007 Receipt and Acknowledgment of Harassment Training	D 000178
U	Laura D'Ambrosio's June 21, 2011 E-mail regarding Plaintiff	D000409
V	Raymour & Flanigan's March 2010 Associate Handbook	D000179 - 000254
W	Raymour & Flanigan's February 2, 2011 Associate Handbook	D000355 – 000331
X	Raymour & Flanigan's May 25, 2011 Associate Handbook	D 000332 - 000408

Defendant reserves the right to use any exhibits at trial listed by Plaintiff above or to not use any of the exhibits identified by Defendants. In addition, Defendant reserves the right to use at trial exhibits not listed above for impeachment and/or rebuttal purposes.

Dated: April 29, 2013

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SO ORDERED:

Hon. Leonard D. Wexler
United States District Judge